

SN:09/750,149

a1  
this application. This deposit of the Inbred Maize Line PH726 will be maintained in the ATCC depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the effective life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Additionally, Applicant has satisfied all the requirements of 37 C.F.R. §§1.801 - 1.809, including providing an indication of the viability of the sample. Applicant imposes no restrictions on the availability of the deposited material from the ATCC; however, Applicant has no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant does not waive any infringement of his rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.). U.S. Plant Variety Protection of Inbred Maize Line PH726 has been applied for under Application No. 200100246.

#### IN THE CLAIMS

Please cancel claims 33, 45, and 46.

Please amend claims 1, 3, 5, 6, 14, 16, 19, 20, 21, 22, 24, 25, 35, 37, 40, 41, 42, 43, 48, and 49 as follows:

a2  
1. (Amended) Seed of maize inbred line designated PH726, representative seed of said line having been deposited under ATCC Accession No. PTA-4437.

a3  
3. (Amended) The maize plant of claim 2 further comprising a genetic factor conferring male sterility.

a4  
5. (Amended) A tissue culture according to claim 4, cells or protoplasts of the tissue culture being from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

6. (Amended) A maize plant regenerated from the tissue culture of claim 4, capable of expressing all the morphological and physiological characteristics of inbred line PH726, representative seed of which have been deposited under ATCC Accession No. PTA-4437.